

CENTRAL VALLEY

TRIBAL BENEFICIAL USES

Attachment 2: Basin Planning and Tribal Beneficial Uses Fact Sheet

The Regulatory Framework: Basin Planning

Water Quality Control Plans, or [Basin Plans](#), provide the foundation for all the Central Valley Water Quality Control Board's (Central Valley Water Board's) regulatory actions. There are two Basin Plans in the Central Valley Region:

1. The [Water Quality Control Plan for the Sacramento and San Joaquin River Basins](#); and
2. The [Water Quality Control Plan for the Tulare Lake Basin](#).

These two Basin Plans contain:

- Designated beneficial uses for both surface and ground water bodies in the basin(s);
- Water quality objectives to protect those beneficial uses;
- Implementation plans that describe the actions necessary to achieve water quality objectives; and
- Descriptions of the surveillance and monitoring activities needed to determine regulatory compliance and assess the health of the Basin(s) water resources.

In order to keep these Basin Plans up-to-date and to meet requirements of Section 303(c)(1) of the Federal Clean Water Act and Section 13240 of the Water Code, the Central Valley Water Board reviews these Basin Plans every three years; this process is known as the Triennial Review. After tribal and public input is received, the Regional Water Board develops and adopts by Board resolution a priority list of potential issues that may result in basin plan amendments. The priority list is used to direct basin planning efforts over the next three years. Implementation of the work plan depends upon the Regional Water Board's program priorities, resources, and other mandates and commitments.

Tribal Beneficial Uses

On May 2, 2017, the State Water Resources Control Board adopted [Resolution 2017-0027](#), which approved "Part 2 of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California—Tribal and Subsistence Fishing Beneficial Uses and Mercury Provisions" (ISWEBE Plan). Through Resolution 2017-0027, the State Water Board established two new Tribal Beneficial Use (TBU) definitions for use by the State and Regional Water Boards: Tribal Traditional Culture (CUL) and Tribal Subsistence Fishing (T-SUB) beneficial uses. These beneficial uses may be designated by regional water quality control boards through the Basin Planning process on inland surface waters, enclosed bays, or estuaries in the state.

The Tribal Tradition and Culture and Tribal Subsistence Fishing beneficial uses definitions below are set forth in full:



Tribal Tradition and Culture (CUL)

Uses of water that support the cultural, spiritual, ceremonial, or traditional rights or lifeways of California Native American Tribes, including, but not limited to: navigation, ceremonies, or fishing, gathering, or consumption of natural aquatic resources, including fish, shellfish, vegetation, and materials.

Tribal Subsistence Fishing (T-SUB)

Uses of water involving the non-commercial catching or gathering of natural aquatic resources, including fish and shellfish, for consumption by individuals, households, or communities of California Native American Tribes to meet needs for sustenance.

The CUL and T-SUB beneficial uses will help to protect activities specific to Native American Culture and Tribes' historic uses of California's waters, including practices not covered by existing beneficial uses. The functions of these beneficial uses are not to protect or enhance fish populations or aquatic habitats. Fish populations and aquatic habitats are protected and enhanced by other beneficial uses, including but not limited to, Fish Spawning, Migration of Aquatic Organisms, Aquaculture, Warm Freshwater Habitat, and Cold Freshwater Habitat, that are designed to support aquatic habitats for the reproduction or development of fish.

Board Actions on Tribal Beneficial Uses

The Central Valley Water Board intends to add the TBU definitions to both Basin Plans. This non-regulatory amendment will be considered in 2021.

The Central Valley Water Board is also developing a process for considering the designation of water bodies with these TBUs. The need for a designation may be brought to the attention of a regional water quality control board with a request that a beneficial use be designated to a specific water body. While that request may come from any individual or organization, a California Native American Tribe must confirm this designation before it is adopted by the Central Valley Water Board and added to one of the Basin Plans.

Confidentiality and Tribal Beneficial Uses

In general, the regional water quality control boards do not designate specific locations but instead designate stretches of rivers or creeks or whole water bodies. There is no need to specify the exact location of the practice or activity. For traditional and cultural uses, information would need to be established about the practice to get an understanding of the risk involved and the nexus to water quality so the appropriate water body or water body segment may be designated. Such information would be public information and not confidential.

The Central Valley Water Board will be conducting formal consultation as part of all TBU designations. Early engagement on the designation of waters will include discussion of a Tribe's interest to maintain the confidentiality of traditional and cultural practices at the outset.